



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,232	12/12/2003	Thomas Schafer	A-3862	1851

7590

09/08/2005

LERNER AND GREENBERG, P.A.
POST OFFICE BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER

MORRISON, THOMAS A

ART UNIT	PAPER NUMBER
----------	--------------

3653

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/735,232

Applicant(s)

SCHAFER ET AL.

Examiner

Thomas A. Morrison

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
4a) Of the above claim(s) 4-7 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 3 and 8 is/are rejected.
7) ☒ Claim(s) 2 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/12/03.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species I (Figs. 1-5) directed to claims 1, 2, 3 and 8 in the reply filed on August 22, 2005 is acknowledged.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3, it is unclear if the recited "a brake" in claim 3 is the same or different from the previously recited "a brake" in claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,265,861 (Schaffner et al.).

Regarding claim 1, Figs. 5-9 show a sheet-processing machine, including

Art Unit: 3653

a conveyor (9) for transporting processed sheets at a processing speed and for releasing the sheets for braking (near 33 and 34) to a depositing speed (see also column 9, line 52 to column 10, line 1);

a braking element (including 31 and 32) for braking the released sheets to the depositing speed;

a drive (column 8, lines 45-49 and column 9, lines 5-9) for the braking element (including 31 and 32); and

a drive connection (column 8, lines 45-49 and column 9, lines 5-9) for connecting the drive (column 8, lines 45-49 and column 9, lines 5-9) to the braking element (including 31 and 32), the drive connection (column 8, lines 45-49 and column 9, lines 5-9) having an overrunning clutch (column 9, lines 5-9 and column 5, lines 5-22); and

a brake (column 9, line 63 to column 10, line 1) for retarding said braking element (including 31 and 32). For this brake limitation, column 9, line 63 to column 10, line 1 explains that the running speed of the braking element (31 and 32) is lowered. A brake must be used in order to lower the speed.

Regarding the overrunning clutch limitation, column 8, lines 45-49 state that, "Each one of the belts 31, 32, which are toothed on the inside, are guided by three belt sprockets 35.1-35.3, 36.1-36.3 which are spaced apart and fastened to the shafts 37.1-37.3, 38.1-38.3 extending across the work width." Then, column 9, lines 5-9 explain that, "Each of the shafts 37.1, 37.8 above and below on the feeding side are connected to a variable drive. The drives consist of the combinations of motor and gearings

described in the embodiment example according to FIGS. 1 to 3." Referring back to the embodiment of Figs. 1 to 3, column 5, lines 5-22 explains that a variable transmission ratio, particularly a clutched gear can be used, because such an arrangement offers the greatest possibility to adjust the rotational behavior of the rotating shafts. As such, a clutch is disclosed and all of the limitations of claim 1 are met.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffner et al. as applied to claim 1 above, and further in view of U.S. Patent No. 2,924,453 (Peyrebrune). The Schaffner et al. patent discloses a braking device that slows down sheets of paper or cardboard originally conveyed at high speeds, with reduced strain on the sheets. See column 1, lines 14-23 and lines 57-60. In fact, Schaffner discloses all of the limitations of claim 8, except for the claimed printing press.

The Peyrebrune patent discloses that there is a need for a slow down mechanism for handling heavy stock such as cardboard in a printing press. See column 1, lines 15-33 of Peyrebrune. It would have been obvious to one of ordinary skill in the art at the time the invention was made, to provide the high speed braking device of Schaffner et al. in a printing press, in order to effectively handle heavy stock such as cardboard at a high processing speed, as taught by Peyrebrune.

Allowable Subject Matter

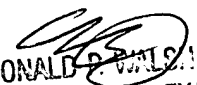
5. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (571) 272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600